

Remarks

Claims 1, 18-20, 22, and 24-34 were pending in the subject application. By this Amendment, claims 1, 18, 20, and 24 have been amended, and claims 26-32 and 34 have been cancelled. Support for the amendments can be found throughout the subject specification and in the claims as originally filed. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1, 18-20, 22, 24, 25, and 33 are currently before the Examiner for consideration. Favorable consideration of the pending claims is respectfully requested.

Applicants gratefully acknowledge the Examiner's indication at page 3 of the Office Action that the subject specification enables *in vivo* inhibition of SHIP expression in hematopoietic cells. By this Amendment, independent claim 1 has been amended to recite that the number of hematopoietic stem cells in peripheral blood of the patient is increased. Support for this amendment can be found, for example, at page 14, lines 1-5 of paragraph [0054], and Figures 2, 5, and 10 of the specification. Dependent claims 18, 20, and 24 have been amended for consistency.

Claims 26-32 and 34 are rejected under 35 USC §112, first paragraph, as non-enabled by the subject specification. The Examiner asserts that the subject application does not enable methods of increasing the number of embryonic stem cells in a patient for the reasons set forth in the previous Action. Applicants respectfully submit that the specification enables one of ordinary skill in the art to practice the claimed method without resort to undue experimentation. However, by this Amendment, Applicants have cancelled claims 26-32 and 34, rendering this rejection moot. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §112, first paragraph, is respectfully requested.

Claims 1, 18-20, 22, and 24-34 are provisionally rejected under the judicially created doctrine of "obviousness-type" double patenting over claims 38-44, 74-76, 90, and 94 of copending Application No. 09/955,174 in view of Fire *et al.* (U.S. Patent No. 6,506,559) and Patchen *et al.* (U.S. Patent No. 6,117,850). Applicants acknowledge that a Terminal Disclaimer can be filed to overcome this rejection and reserve the right to submit a Terminal Disclaimer or take other appropriate action upon the Examiner's indication of allowable subject matter in the subject application.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Attachments: Supplemental Information Disclosure Statement; PTO/SB/08B; references